

### REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Final Official Action, the Examiner withdraws the previous grounds of rejection in favor of a new rejection. Specifically, the Examiner now rejects claims 1 and 3-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,432,046 to Yarush et al. (hereinafter "Yarush") in view of U.S. Patent No. 6,970,308 to Otsuka (hereinafter "Otsuka") and further in view of U.S. Patent No. 5,392,067 to Konno et al., (hereinafter "Konno").

In response, Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103(a) for at least the reasons set forth below.

With regard to Yarush, the Examiner admits that the same does not disclose a plate portion. However, the Examiner argues that Ostuka discloses the use of plates for suppressing deformation and Konno discloses a notch portion to mount the image pick-up unit at a position at which the optical image transmitted by the optical output portion can be picked up in the operating portion.

Applicants respectfully submit that the Examiner is greatly mistaken regarding the teachings of the Ostuka and Konno references and engages in a rather fanciful rejection of the claims.

With regard to Ostuka, firstly, the same discloses plates that are specifically meant to deform (and are referred to as plate springs that can be deformed in the direction perpendicular to their flat surfaces). Therefore, Ostuka does not show plates for suppressing deformation. In contrast, the plates disclosed by Ostuka are spring plates that are meant to deform.

Secondly, Ostuka does not have a filing date that is earlier than the priority date of the present application. Therefore, Ostuka is also not a proper reference to be applied against the claims. Thus, the foreign priority date of the present application (i.e., January 28, 2003) antedates the U.S. filing date of the Ostuka reference (i.e., November 26, 2003). Therefore, the Ostuka reference is not a proper reference to be applied against the claims in the present application. Accordingly, the § 103(a) rejection is thereby rendered moot and the Examiner is respectfully requested to withdraw the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a).

With regard to Konno, the "notch" (27) argued by the Examiner is not a notch in a plate, but a mask on the image pick-up device itself that produces a notch shaped image (27a) on a monitor (see column 22, line 51 to column 23, line 9).

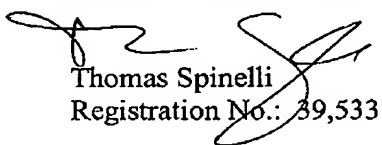
Therefore, the cited references, even if properly combined, do not disclose a plate frame for suppressing deforming of the operating portion where the plate frame has a notch to mount an image pick-up unit.

With regard to the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a), independent claims 1, 6 and 7 are not rendered obvious by the cited references because neither the Ostuka patent, the Konno patent nor the Yarush patent, whether taken alone or in combination, teach or suggest an endoscope having the features discussed above and recited in independent claims 1, 6 and 7. Accordingly, claims 1, 6 and 7 patentably distinguish over the prior art and are allowable. Claims 3-5 and 8-10, being dependent upon claims 1 and 7, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1 and 3-10 under 35 U.S.C. § 103(a).

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In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

  
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